

1 A. Have an eye disorder.

2 Q. You still have the eye disorder, don't you?

3 A. As far as I know.

4 Q. And you still have the eye disorder when you saw
5 Richard Blazer sitting inside his house all the way from
6 where you were sitting in his car?

7 A. As far as you and me.

8 Q. The car was as close to that window as you're to
9 me right now?

10 A. Right beside the driveway was right beside the
11 house.

12 Q. Right beside the house.

13 Well, the car must have been parked all the way
14 up there against the garage door then, wasn't it?

15 A. Yes, it was.

16 Q. Okay. And Richard must have seen you guys
17 pulling up?

18 A. Yes, he did.

19 Q. He waved?

20 A. I don't know. I don't think so.

21 Q. Well, there are two sets of windows, one on
22 either side of the front door of Richard's house?

23 A. Yes, there is.

24 Q. If I looked at the front of his house, which set
25 of windows was he in?

1 A. The one closer to the driveway.

2 Q. The one closer to the driveway. That wouldn't be
3 the living room, would it?

4 A. No. It would be the dining room.

5 Q. And were you ever in his dining room?

6 A. When you go in, that's where you go to is the
7 dining room. It's right there.

8 Q. When you fired a gun inside his house, was that
9 in the living room or the dining room?

10 A. The living room.

11 Q. So you have or have not been in his dining room?

12 A. Yes, I have.

13 Q. You have?

14 But before you went into his house, you urinated
15 on the bushes outside his house?

16 A. No, I didn't.

17 Q. You didn't take a pee outside of his house before
18 you went in?

19 A. No, I didn't.

20 MR. SLAVENS: Objection, your Honor.

21 THE COURT: Overruled.

22 BY MR. ARNTZ:

23 Q. Well, before today, have you not told the story
24 that you stopped to urinate outside his house before you
25 went inside?

1 A. I did once but it was a lie.

2 Q. You did once but it was a lie?

3 A. Yes, it was.

4 Q. When did you tell that lie?

5 A. I can't recall.

6 Q. Who did you tell that lie to?

7 A. To the detectives.

8 Q. Which detectives?

9 A. Spells.

10 Q. Detective Spells?

11 A. Or Lawson.

12 Q. Or Lawson?

13 A. Yes.

14 Q. Why would you tell Detective Spells or Lawson the
15 lie that you stopped to urinate on the bushes before you
16 went inside the house?

17 A. Because I didn't want them to know I went in the
18 house. I wanted them to think I was outside.

19 Q. This is when you were telling them you never went
20 into the house?

21 A. That's right.

22 Q. Well, now, did you kill Richard Blazer?

23 A. No, I did not.

24 Q. Why did you want to conceal the fact that you
25 went into the house?

1 A. Because I wanted them to think that only Tony
2 went in the house.

3 Q. Why did you want them to think that?

4 A. I don't know.

5 Q. You don't know?

6 A. No.

7 Q. Well, you were going to pin this on Tony if you
8 could, weren't you?

9 A. No, not actually. I was there.

10 Q. Well, but when you were lying to the detectives
11 and telling them that you were outside urinating and
12 never went inside the house, your plan at that time was
13 to try to pin the whole killing on Tony Elofskey, wasn't
14 it?

15 A. My plan was to get out of it.

16 Q. By telling them that only Tony went into the
17 house?

18 A. No. Telling everything that I could to try to
19 get out of it.

20 Q. By lying?

21 A. Best way that I knew how.

22 Q. And you were prepared at that time to tell every
23 lie necessary in order to get out of it if you could?

24 A. No, I wasn't.

25 Q. You weren't?

1 Was that the only lie you ever told any of these
2 detectives?

3 A. Yes, it was.

4 Q. Only one lie?

5 A. Yes.

6 Q. So you must have changed your mind pretty quickly
7 about trying to get out of it?

8 A. Yeah, I told them everything.

9 Q. What changed your mind so fast?

10 A. They told me they didn't believe my story.

11 Q. Just like that, you thought you would tell them
12 the truth?

13 A. Yes.

14 Q. What happened to that will power that you had to
15 hold out and not drink alcohol and things like that?

16 Did you lose your will power at that --

17 MR. SLAVENS: Objection.

18 THE COURT: Sustained.

19 BY MR. ARNTZ:

20 Q. Well, so you don't stop at the bushes but you go
21 on inside the house with Tony, is that right?

22 A. Yes, I do.

23 Q. And you and Tony walked into Richard Blazer's
24 house and your brother never stepped foot in that house?

25 A. No, he did not.

1 Q. And yet you're telling us that the three of you
2 went there to rob Blazer?

3 A. Yes, we did.

4 THE COURT: Excuse me, Mr. Arntz. Is
5 this a good place to take a break?

6 MR. ARNTZ: Yes, sir.

7 THE COURT: Let's take an afternoon
8 break at this point, ladies and gentlemen.

9 Remember the usual
10 instructions from the Court not to discuss the case
11 among yourselves or with anybody else. Don't form any
12 opinions, you have not heard all the testimony yet.
13 We'll see you back in 15 minutes. I'm not sure where
14 Shirley is but I think you guys know where to go by
15 now. Fifteen minutes.

16 (WHEREUPON, a recess was taken.)

17

18 IN OPEN COURT - BEFORE THE JURY

19 3:13 p.m.

20 THE COURT: You may continue, Mr.
21 Arntz.

22 MR. ARNTZ: Thank you.

23 BY MR. ARNTZ:

24 Q. Walter, you've told me earlier this afternoon
25 that you were a part of the planning of the Blazer

1 robbery, is that right?

2 A. Yes, I was.

3 Q. All right. And what exactly was the plan when
4 you got out there to his house? What was supposed to
5 happen?

6 A. Me and Tony was supposed to go in. I was
7 supposed to hold Mr. Blazer at gun point, and Tony was
8 to let Weston in, Mr. Howe.

9 Q. And then what was supposed to happen?

10 A. He was supposed to take over and while me and
11 Tony went through the house and took things of value.

12 Q. Well, now, back earlier that day when you first
13 met Richard Blazer and Tony said, we just set up another
14 one, did you know you were going to rob Richard Blazer?

15 A. Not at that point, no.

16 Q. You didn't learn that until later that day, is
17 that right?

18 A. That's right.

19 Q. So you weren't part of a plan to rob Richard
20 Blazer out there at the levee when you first met him?

21 A. That's right.

22 Q. And I take it that you and Tony didn't talk about
23 how you were going to do this when the two of you were
24 alone in the car earlier that afternoon?

25 A. No, we didn't.

1 Q. Well, when did you start doing all this planning
2 for the robbery?

3 A. What do you mean, when did I?

4 Q. Well, you said you were part of the coming up
5 with this plan. When did you participate, contribute to
6 this plan?

7 A. I was just told what I was supposed to do.

8 Q. Well, if you were only told what to do, then you
9 weren't part of making the plan yourself, were you?

10 A. I was part of the plan.

11 MR. SLAVENS: Objection, your Honor.

12 THE COURT: Overruled.

13 BY MR. ARNTZ:

14 Q. Everybody is telling you what to do, you're not
15 making any decisions of your own now?

16 A. That's right.

17 Q. Well, you pled guilty to the aggravated murder of
18 Richard Blazer, didn't you?

19 A. Yes, I did.

20 Q. And part of pleading guilty to his aggravated
21 murder was your admitting that you purposely
22 participated in killing him?

23 A. I was committing a robbery at the time of his
24 death. That makes me just as guilty.

25 Q. Who told you that?

1 A. I know.

2 Q. Well, where did you get this knowledge?

3 A. The Ohio Revised Code.

4 Q. The Ohio Revised Code?

5 A. Yes.

6 Q. You been reading the law?

7 A. Yes.

8 Q. I see.

9 Well, you agreed with me earlier that you did not
10 participate in the negotiation of your own plea bargain,
11 do you remember that?

12 A. I didn't do what?

13 Q. You didn't participate in your own plea
14 bargaining, did you?

15 A. What do you mean I didn't participate?

16 Q. Well, you left the details up to the lawyers,
17 didn't you?

18 A. Well, I took the deal. I said, yes, I pled
19 guilty.

20 Q. Okay. Was that the best you thought you could
21 get?

22 A. It wasn't, it wasn't a part of the deal.

23 Q. I'm sorry?

24 A. It wasn't a part about the deal.

25 Q. Well, you took the best deal you thought you

1 could get, isn't that the truth?

2 A. Probably, yes.

3 Q. And the best deal that you could get was to plead
4 guilty to two aggravated murders, is that right?

5 A. Yes, it was.

6 Q. Because you were responsible in some way for the
7 killing of two people?

8 A. Yes, I was.

9 Q. And you're telling me that when the planning of
10 the Blazer incident occurred, you didn't do anything but
11 just kind of listen to what you were supposed to do?

12 A. That's right.

13 Q. Well, if I or somebody else said that you helped
14 plan it, would that be a truth or false statement?

15 MR. SLAVENS: Objection, your Honor.

16 THE COURT: Overruled.

17 A. Repeat the question.

18 BY MR. ARNTZ:

19 Q. If I or somebody else were to come into this
20 courtroom and say you helped plan the Blazer robbery,
21 would that be a true or false statement?

22 A. False.

23 Q. Okay. And this was only the second robbery you
24 participated in your life?

25 A. Yes, it is.

1 Q. And if someone said you had that loaded gun
2 carrying around with you because you were robbing crack
3 dealers, would that be a true or false statement?

4 MR. SLAVENS: Object to that, your Honor.

5 THE COURT: Sustained.

6 BY MR. ARNTZ:

7 Q. Well, did you ever tell law enforcement a
8 different story about what the plan was to take money
9 from Blazer?

10 A. No, I didn't.

11 Q. Did you ever tell the story that Dick Blazer was
12 going to be duct taped, that his hands were going to be
13 taped together?

14 A. No, I didn't.

15 Q. Did you ever tell the story that he was going to
16 be left laying in his house duct taped?

17 A. No, I didn't.

18 Q. Did you ever tell the story that Blazer was going
19 to be taken out of his home to a Green Machine in order
20 to draw the money out of his account?

21 A. Yes, I did.

22 Q. And who did you tell that story to?

23 A. The detectives.

24 Q. And was this before or after you suddenly decided
25 to tell the truth?

1 A. That was part of the plan.

2 Q. I'm sorry?

3 A. That was part of the plan.

4 Q. All right. Now this morning when you talked with
5 the prosecutor, you didn't tell him that story about
6 taking Blazer to the Green Machine, did you?

7 A. 'Cause it didn't happen.

8 Q. But that was part of the plan?

9 A. Yes, it was going to be.

10 Q. Well, now, you didn't want to injure or kill
11 Richard Blazer, did you?

12 A. No, I did not.

13 Q. What were you going to do with him after you took
14 him involuntarily out of his house all the way over to a
15 Green Machine and made him take money out of his
16 account? What were you going to do with him at that
17 time?

18 A. I had no plans to do anything with him.

19 Q. Just let him go back home?

20 A. If I was in charge, yeah, I would have.

21 Q. If you were in charge?

22 A. If it was my choice. It wasn't my choice.

23 Q. When you and Tony were together, like you were
24 when you first met Richard Blazer, who was the leader of
25 that team, you and Tony?

1 A. What do you mean?

2 Q. Well, who tends to take the lead when you and
3 Tony are together, you or Tony?

4 A. Nobody.

5 Q. Well, as compared to you and Tony, who is it who
6 seems to have the most ideas and make the decisions?

7 A. Everybody.

8 Q. You or Tony?

9 A. We do what we want.

10 Q. You always did what you wanted to do, isn't that
11 right?

12 A. Most of the time.

13 Q. Pardon?

14 A. Most of the time.

15 Q. Everything you did on June 21st and June 22d was
16 exactly what you wanted to do, isn't that right?

17 A. Yes, it was.

18 Q. Including when you fired that gun in Blazer's
19 house?

20 A. Yes, it was.

21 Q. You decided to fire that gun?

22 A. Yes, I did.

23 Q. It didn't go off accidentally, did it?

24 A. No.

25 Q. Did you ever tell the story it went off

1 accidentally in his house?

2 A. No, I didn't.

3 Q. When you went out to Blazer's house that
4 afternoon, Tony had a knife, didn't he?

5 A. No, he didn't.

6 Q. He didn't have a knife.

7 Well, you knew that Tony had a knife that day?

8 A. In the car.

9 Q. In the car. In the same car that he drove to
10 Blazer's house?

11 A. Yes. It's been in there for a week.

12 Q. He carries that knife kind of the same way you
13 carry that loaded gun around?

14 A. No.

15 MR. SLAVENS: Objection, your Honor.

16 THE COURT: Overruled.

17 BY MR. ARNTZ:

18 Q. No?

19 A. No.

20 Q. The knife is always in his car?

21 A. Yes.

22 Q. Okay. What is that knife for in his car?

23 A. I don't know, pick his fingernails, cut, you
24 know, anything, cut speaker wire or something.

25 Q. Now, when you went out to Blazer's house with

1 Tony on the 22d, he wasn't picking his fingernails or
2 cutting speaker wire with that knife, was he?

3 A. I don't know.

4 Q. You don't know.

5 When the two of you walked up to Blazer's house,
6 he opened the door for you, didn't he?

7 A. Who?

8 Q. Who do you think? Richard Blazer.

9 A. Yes, he did.

10 Q. Isn't that who opened the door for you?

11 A. Yes, he did.

12 Q. And did he unlock the door when he let you guys
13 in?

14 A. Yes, he did.

15 Q. And then when you guys walked in, he locked that
16 door back up, didn't he?

17 A. I don't know.

18 Q. Now, you remember him unlocking the door to let
19 you in but you don't remember him locking the door
20 behind you?

21 A. It depends when you refer to as locked. The door
22 was shut.

23 Q. Well, now you just told me that when he let you
24 into his house, he unlocked the door.

25 A. It depends on what you mean unlocked.

1 Q. Do you know what the word unlocked means?

2 A. Which door?

3 Q. What door did you go in?

4 A. Well, I went through the screen door first.

5 Q. There is a screen door, then there is a --

6 A. Yes, there is.

7 Q. -- another door?

8 He unlocked one of those doors to let you in,
9 didn't he?

10 A. Yes, he did.

11 Q. Now, you know what the word unlocked means?

12 A. Yes.

13 Q. Well, can you tell me now whether he locked the
14 door back up after you entered?

15 A. No, he didn't.

16 Q. Now you remember that, he didn't?

17 A. I didn't say he did, did or didn't the first
18 time.

19 Q. So he unlocked the door to let you in but then he
20 didn't lock the door again?

21 A. It depends on which door you said that he was
22 supposed to have unlocked.

23 Q. Well, I'm only asking you what you remember. Do
24 you remember him locking either door after you guys went
25 into his house?

1 A. No.

2 Q. And if someone were to come in here and say that
3 the door may have been locked when you guys were in
4 there, would that be a true or false statement?

5 A. False statement.

6 MR. SLAVENS: Objection, your Honor.

7 THE COURT: Overruled.

8 BY MR. ARNTZ:

9 Q. Now, you told the prosecutor this morning that
10 part of the plan was that you and Tony would go into the
11 house and talk for a few minutes with Richard before
12 anything happened, am I right?

13 A. Yes, that's true.

14 Q. That's true.

15 But what actually happened is that you went into
16 the house and almost immediately after that, took the
17 gun out of your pants, isn't that true?

18 A. Not immediately after, no, it wasn't.

19 Q. Not immediately. How long after you got into
20 Richard's house did you take the gun out?

21 A. Probably about three to five minutes.

22 Q. Three to five minutes.

23 Well, on the videotape which you gave, did you
24 tell the detectives that you pulled the gun out as you
25 went in?

1 A. No, I didn't.

2 Q. You didn't.

3 Well, what caused you to take the gun out after
4 three to five minutes if that is the truth?

5 A. To tell the truth, I have no idea.

6 Q. Now, about five minutes ago you told me that
7 everything you did on June 22d was what you wanted to
8 do. Do you remember that?

9 A. Yes.

10 Q. And that you were capable of making your own
11 decisions because you said Tony was not someone who made
12 decisions for you. Do you remember that?

13 A. That's right.

14 Q. And you agree with me that when you fired that
15 gun in Blazer's house, that's because you wanted to fire
16 the gun at that moment. Do you remember that?

17 A. Yes.

18 Q. And now you're telling me that you have no idea
19 what caused you to take the gun out?

20 A. I was wanting to scare the guy.

21 Q. You're wanting to scare the guy?

22 A. Yes.

23 Q. My question is, why did you choose that moment to
24 try to scare the guy?

25 A. Because we was going to rob him.

1 Q. How did you decide after three to five minutes
2 that this is the time for me to take the gun out and
3 scare it with him?

4 A. Just the time I choosed.

5 Q. Time you choosed. But you can't tell me why you
6 chose that time?

7 A. Because I wanted to.

8 Q. What was happening at the time you took the gun
9 out?

10 A. Blazer and Mr. Elofskey was arguing.

11 Q. And what were they arguing about?

12 A. Money.

13 Q. Now, this is the same money that Blazer was
14 willing to give Tony just a few hours earlier?

15 A. I do not know. I wasn't paying attention to the
16 conversation.

17 Q. You weren't paying any attention to the
18 conversation?

19 A. Not that much. No. About the money was about.

20 Q. What were you paying attention to?

21 A. Just looking around.

22 Q. Looking around the house?

23 A. Yes.

24 Q. And what did you say when you took the gun out?

25 A. Nothing. I just told him not to move.

1 Q. You said, don't move, didn't you?

2 A. Yeah.

3 Q. And what did Richard Blazer do when he saw your
4 gun?

5 A. Just stood there and looked at me.

6 Q. Well, the truth is, he said, what is this, isn't
7 that true?

8 A. Not at first.

9 Q. Not at first.

10 He was just looking at you and then he said, what
11 is this?

12 A. Yeah.

13 Q. And that's when you fired the gun at him?

14 A. No. I fired it towards the window.

15 Q. You fired it towards the window?

16 A. Yes, I did.

17 Q. Now, did you tell Detective Wade Lawson that the
18 gun went off accidentally?

19 A. I might have.

20 Q. You might have.

21 A. In the beginning.

22 Q. Well, had you told Detective Wade Lawson that
23 your gun went off accidentally, would that have been
24 another lie?

25 A. Perhaps.

1 Q. Perhaps. Why do you say perhaps?

2 A. 'Cause I want to.

3 Q. Well, you know what a lie is, don't you?

4 A. Yes, I do.

5 Q. I guess the question is, when you say the gun --
6 when you said to Wade Lawson that the gun went off
7 accidentally, was that a lie?

8 A. No, not really.

9 Q. Not really. So the gun did go off accidentally?

10 A. Yeah, in a way. In a way 'cause I didn't mean
11 for it to go off.

12 Q. You didn't mean for it to go off?

13 A. That's right.

14 Q. It just discharged all on its own?

15 A. Yep, it sure did.

16 Q. And when you fired the gun, do you know whether
17 you hit Richard Blazer with it?

18 A. When the gun went off accidentally, it did not
19 hit Richard Blazer.

20 Q. Now you're sure the gun went off accidentally?

21 A. I didn't say I was sure.

22 Q. But you think it did?

23 A. Perhaps.

24 Q. Perhaps.

25 Do you remember Detective Wade Lawson asking you

1 whether you hit Richard Blazer with the gun when you
2 fired it?

3 A. Yes.

4 Q. And you remember what you said to him?

5 A. I said no.

6 Q. Don't you remember saying to him, I don't think I
7 hit him?

8 A. It didn't hit him.

9 Q. My question is, don't you remember telling
10 Detective Wade Lawson, I don't think I hit him?

11 A. No, I don't.

12 Q. You don't remember that?

13 Well, the truth is, you don't remember exactly
14 how the gun went off because you were high on crack when
15 all this happened, isn't that true?

16 A. No, it is not.

17 Q. What does, sort of impact does crack have on your
18 memory when you take it?

19 A. I don't know. You tell me.

20 Q. Well, do you not know that at all?

21 A. No, I don't.

22 Q. And what did you say when the gun went off
23 accidentally?

24 A. I didn't say nothing.

25 Q. Well, if someone says you said fuck you to

1 Richard Blazer, would that be true or false?

2 A. That would be false.

3 Q. That would be another false statement.

4 And when you fired the gun inside Richard's
5 house, your brother is not in that house, is he?

6 A. No.

7 Q. And when you and Tony are in the house, you can't
8 even see your brother, can you?

9 A. No.

10 Q. And who has the duct tape?

11 A. I don't know nothing about no duct tape.

12 Q. There wasn't any duct tape, was there?

13 A. No.

14 Q. Part of the lie?

15 A. Don't ask me.

16 Q. Now, the gun you had and fired off in Richard's
17 house, was the gun you bought at a pawn shop?

18 A. Yes, it was.

19 Q. And when you bought that gun at the pawn shop,
20 that was to fend off the girlfriends' fathers?

21 A. It was for self-defense.

22 Q. From your girlfriends' fathers?

23 A. From everything.

24 Q. From everything.

25 And when you bought the gun at the pawn shop, the

1 person who sold you the gun asked you questions, didn't
2 they?

3 A. I didn't know. He just asked me to fill it out.

4 Q. My question, Walt, is whether the person who sold
5 you this gun asked you questions?

6 A. I said no.

7 Q. Well, have you seen this form before, State's
8 Exhibit 69?

9 A. Yes, I did.

10 Q. And that is the form that was filled out at the
11 time you bought the gun that you fired in Richard's
12 house, is that right?

13 A. That's right.

14 Q. And if you look at the top half of this form, 8
15 A, B, C, D, E, F, G, I, and H, you see where I am?

16 A. Yes.

17 Q. And every one of those is a question, isn't it?

18 A. Yes, it is.

19 Q. And every one of those questions has been
20 answered by somebody, hasn't it?

21 A. Yes, they have.

22 Q. And question number 8 D is something you can
23 read, isn't it?

24 A. Yes.

25 Q. And 8 D says, Are you an unlawful user of or

1 addicted to marijuana, or any depressant, stimulant or
2 narcotic drug or any other controlled substance. Do you
3 see that?

4 A. It says no.

5 Q. And you remember the man who sold you the gun
6 asking you that question?

7 A. No, I don't.

8 Q. Well, you were the one buying the gun, right?

9 A. Yeah. And I'm the one that filled that out.

10 Q. You're the one who filled it out?

11 A. Yes, I did.

12 Q. So this series of noes on this form was written
13 by you?

14 A. Yeah.

15 Q. All right. And you read each question before you
16 answered it?

17 A. Yes, I did.

18 Q. And when you answered the question asking whether
19 you were the user of any illegal narcotics, you wrote
20 no?

21 MR. SLAVENS: Objection, your Honor.

22 THE COURT: Overruled.

23 A. Yes, I did.

24 BY MR. ARNTZ:

25 Q. And was that the truth or was that one of those

1 perhaps lies?

2 A. That's the truth.

3 Q. That was the truth, you never been a user?

4 A. No.

5 Q. Of marijuana or any other narcotic?

6 MR. SLAVENS: Objection, your Honor.

7 THE COURT: It is somewhat of a repeat
8 but the context is different. I will permit it. You
9 can answer.

10 A. Repeat.

11 BY MR. ARNTZ:

12 Q. Well, the truth is that you were never a user of
13 marijuana or any other narcotic?

14 A. No, I wasn't.

15 Q. In your life?

16 A. Nope.

17 Q. And you might not have been able to buy that gun
18 if you were?

19 MR. SLAVENS: Objection, your Honor.

20 MR. ARNTZ: I will withdraw that.

21 BY MR. ARNTZ:

22 Q. Now, you fired the gun in Richard's house and
23 this causes Richard to run out of his house?

24 A. No.

25 Q. No?

1 A. Nope.

2 Q. What made Richard run out of the house, do you
3 think?

4 A. Well, he followed Tony. Tony turned around and
5 started to leave. Mr. Blazer followed him.

6 Q. Walt, my question is, what do you think made
7 Richard run out of his house?

8 A. I, I have no idea. He didn't run, he walked.

9 Q. He walked out of his house?

10 A. Yes, he did.

11 Q. So you came into this man's house and fired a gun
12 apparently into the window, and he just strolled out of
13 the house?

14 A. Yep, following Tony, Tony Elofskey.

15 Q. Following Tony.

16 So Tony was out of the house first?

17 A. Yes, he was.

18 Q. Was Tony just sort of ambling out of the house
19 the way Richard was?

20 A. What do you mean?

21 Q. What speed was Tony leaving the house after you
22 fired this gun?

23 A. Normal speed, I guess.

24 Q. Normal speed, just sort of casually walking out
25 of the front door there?

1 A. Yes.

2 Q. And you expect these people to believe that?

3 A. That's the way it happened.

4 MR. SLAVENS: Objection, your Honor.

5 THE COURT: Sustain the objection.

6 BY MR. ARNTZ:

7 Q. Well, the truth is, when you fired that gun, Tony
8 took off running out of that front door and so did
9 Richard, isn't that the truth?

10 A. Was you there?

11 Q. Well, I'm asking you this because you were there
12 and you fired the gun.

13 A. No, they didn't run.

14 Q. Nobody ran out of the house?

15 A. Mr. Blazer didn't run.

16 Q. Okay. He didn't seem to be shocked or surprised
17 that this had just happened?

18 A. He was surprised.

19 Q. So Richard Blazer walks out of the front door of
20 his house after Tony. Tony is the first one out of
21 house?

22 A. Yes, he is.

23 Q. And Tony walks out the front door somewhere?

24 A. Yes.

25 Q. And then Richard?

1 A. Yes.

2 Q. And then you?

3 A. Right.

4 Q. You're the last one out of the house --

5 A. That's right.

6 Q. -- right?

7 And there is a front step outside that front
8 door, isn't there?

9 A. Yes, there is.

10 Q. And you hadn't yet got down off that front step
11 before Richard had been shot again outside, had you?

12 A. I was right on his heels.

13 Q. I'm sorry?

14 A. I was right on the back of his heels. I was
15 right behind him.

16 Q. The back of his heels?

17 A. Blazer, I was right behind him.

18 Q. You were right behind Blazer when he was shot?

19 A. Yes.

20 Q. Well, now where exactly were you when you heard
21 the shots?

22 A. I was in the doorway, right in the doorway
23 looking outside.

24 Q. Okay. You're standing in the doorway of his
25 home?

1 A. Yes.

2 Q. Looking outside, am I right?

3 A. (Witness nodded.)

4 I said yes.

5 Q. Okay. And what number of shots did you hear?

6 A. I heard four.

7 Q. You remember specifically that you heard four?

8 A. Yes.

9 Q. Now this morning you told the prosecutor you
10 heard three or four, do you remember that?

11 A. Yes, I did. But I heard four.

12 Q. And in the videotaped interview with the
13 detectives you told them you didn't know how many shots
14 were fired. Do you remember that?

15 A. Yes, I do.

16 Q. And before the videotaped statement when you
17 talked to Detective Wade Lawson, you also told Detective
18 Wade Lawson you had no idea how many shots had been
19 fired, is that right?

20 A. I can't recall.

21 Q. You can't recall.

22 Why is it that you would tell the detectives on
23 the video you didn't know how many shots had been fired
24 and then come in here and swear that there were four
25 shots fired?

1 A. Because I knew there was three or four shots
2 fired.

3 Q. I said, why wouldn't you tell the detectives the
4 truth about how many shots were being fired?

5 A. 'Cause I wasn't thinking about it at that time.

6 Q. They were asking you the questions but you
7 weren't thinking about the answer, is that it?

8 A. No, I wasn't.

9 Q. You're standing in the doorway of Blazer's home?

10 A. Yes, I was.

11 Q. When the shots are fired?

12 A. Yes.

13 Q. And where exactly is Blazer?

14 A. Right in front of me.

15 Q. Is he on that front step outside the front door?

16 A. There's the doorway. Here's the next step. He's
17 about maybe that far, you know, in height. He was
18 standing right there when he got shot.

19 Q. Walt, my question is, was he on the front step
20 when he was shot?

21 A. Compared on what, front door? There is several
22 other steps, the first one, the second one, third step
23 or what?

24 Q. There is one step right outside the front door,
25 you remember that? You will have to answer.

1 A. Do I remember that? I remember some steps in
2 front of the house, yes, I do.

3 Q. My question to you, Walt, was Richard standing on
4 the first step outside of his house when he was shot?

5 A. The first step, yes.

6 Q. All right. Still standing on the first step
7 outside of his house, correct?

8 A. Yes.

9 Q. Okay. And this is when you hear four shots
10 fired?

11 A. As he was going down the steps, the shots were
12 sounding off.

13 Q. Sounding off.

14 Now, you said that this morning that your brother
15 was crouched down outside the house firing a gun at
16 Blazer?

17 A. Yes, he was.

18 Q. Do you remember telling Detective Wade Lawson way
19 back at the beginning that your brother was standing up
20 outside the house?

21 A. I don't remember which way I told him he was.

22 Q. You don't remember either way. Okay.

23 Do you remember Detective Spells asking you
24 whether Blazer was shot by your brother?

25 A. I said on the right side.

1 Q. Do you remember telling Detective Spells he
2 should have been?

3 A. He should have been?

4 Q. Yes.

5 A. No.

6 Q. You don't remember saying that?

7 Do you remember saying at one time that you
8 thought Richard Blazer had been shot at pointblank
9 range?

10 A. No, I don't.

11 Q. Was he shot at very close range?

12 A. About the distance from me and you.

13 Q. You know what pointblank range means?

14 A. Close up.

15 Q. Close up.

16 A. Very close up.

17 Q. Well, now when Mark McDonald was shot through
18 that window of Tony's car, was he shot close up too?

19 A. Pointblank range, yes.

20 Q. Mark McDonald was shot at pointblank range
21 through that window, am I right?

22 A. Yes, he was.

23 Q. Very close up, right?

24 A. Yes.

25 Q. Okay. And Richard Blazer was shot very close up?

1 MR. SLAVENS: Objection to that, your
2 Honor. The witness has demonstrated there was a
3 distance between the two.

6 BY MR. ARNTZ:

7 Q. And when Richard was shot, it was still dark
8 outside?

9 A. Yes, it was.

10 Q. And you still didn't have any glasses on?

11 A. No, but I could see clearly because of the porch
12 light.

13 Q. The porch light, okay.

14 Well, when you were looking out there so clearly
15 with the porch light on, where was Tony standing?

16 A. Tony wasn't standing. He was heading towards the
17 car.

18 Q. Where was Tony when Richard was shot?

19 A. Heading towards the car.

20 Q. Was he on the sidewalk, in the grass?

21 A. In the grass. In the grass heading towards the
22 car.

23 O. In the grass.

24 And when you saw Richard being shot and Tony
25 headed toward the car, was Tony's back turned toward

1 you?

2 A. Yes, it was.

3 Q. So he didn't see anybody shoot Blazer?

4 A. Obviously. I don't know.

5 Q. And you ran as fast as you could to the car also?

6 A. Yes, I did.

7 Q. Where do you say that your brother was standing
8 when Richard was shot?

9 A. Right at the edge of the bush.

10 Q. What bush?

11 A. The bush in front of Blazer's window.

12 Q. Which window?

13 A. The window closest to the driveway.

14 Q. The window next to the front door?

15 A. Yep.

16 Q. And now you're saying he was crouched down and
17 not standing up, is that right?

18 A. Yes.

19 Q. Was he down on one knee?

20 A. Yes, he was.

21 Q. So he's shooting up?

22 A. Shooting like that.

23 Q. Now Richard Blazer is standing up, isn't he?

24 A. Yes, he is.

25 Q. And your brother is down on the ground on one

1 knee, isn't he?

2 A. Yes, he is.

3 Q. So he's not shooting straight out?

4 A. I think he was shooting like this. I didn't say
5 like this. I said like this.

6 Q. So he's shooting up, isn't he?

7 A. Not totally up. At a slant he was shooting.

8 Q. Right. He's shooting at an angle in an upward
9 direction?

10 A. That's right.

11 Q. I'm sorry?

12 A. That's right.

13 Q. That's right.

14 And when you ran to the car, your brother was
15 already in the back seat of the car by the time you got
16 there?

17 A. No, he wasn't.

18 Q. He wasn't? How did that happen?

19 A. Like I said earlier, I opened the car door and he
20 slid in the back seat.

21 Q. You held the door open for him?

22 A. As I was opening up the door, he slid into the
23 back seat.

24 Q. Did you ever tell law enforcement that detail
25 about how you held the door open?

1 A. I didn't say I held the door open. I said I
2 opened the door and he slid in the back seat, for the
3 third time.

4 Q. Well, by the time you get to the car and you are
5 opening the door, is Tony already in the car?

6 A. Yes, he is.

7 Q. And has the car been started?

8 A. I don't recall.

9 Q. You don't remember.

10 But you jump into the front seat there and Tony
11 throws the car into reverse, am I right?

12 A. Yes.

13 Q. And guns it down that driveway and then down the
14 street?

15 A. Yes.

16 Q. At a high rate of speed to get out of there?

17 A. No, we wasn't speeding.

18 Q. You weren't speeding?

19 A. No.

20 Q. Just like you were walking slowly out of the
21 house, now you're just driving normally?

22 A. We weren't speeding. We speeded to get out of
23 the driveway but on the street we weren't speeding.

24 Q. Speeded to get out of the driveway.

25 And at one point you were telling Tony where to

1 make turns, am I right?

2 A. Yes, I was.

3 Q. Because you wanted to get out of there?

4 A. Yes, I did.

5 Q. And you tossed your gun back to your brother who
6 was in the back seat?

7 A. I handed my gun to him, yes, I did.

8 Q. And you told the prosecutor this morning, we told
9 him to put it under the seat. Do you remember that?

10 A. Yes, I did.

11 Q. And that was you and Tony telling your brother
12 what to do?

13 A. We indicated that the seat was loose and he could
14 hide the guns up under there.

15 Q. My question was, that was you and Tony telling
16 your brother what to do?

17 A. Yes.

18 Q. Whose idea was it to bail out of the car?

19 A. Everybody's.

20 Q. Didn't you tell the prosecutor just this morning
21 Tony said you guys couldn't out run them so you ought to
22 get out?

23 A. Tony said we couldn't outrun them. I knew we
24 couldn't outrun them in a V-6.

25 Q. But Tony is driving the car and at some point all

1 three of you scatter out of the car?

2 A. Yes.

3 Q. And this is when you're apprehended by one of the
4 officers?

5 A. Yes.

6 Q. And Tony gets away, doesn't he?

7 A. Yes.

8 Q. Where did Tony go?

9 A. I have no idea.

10 Q. When you were arrested, you were taken downtown
11 and eventually taken into an interview room with the
12 detectives. Do you remember that?

13 A. Yes, I was.

14 Q. And do you remember which detectives you spoke to
15 first?

16 A. Which one or which two?

17 Q. Either one or two?

18 A. Spells and Lawson.

19 Q. Okay. Now, which Lawson are we talking about?

20 A. Wade Lawson.

21 Q. Wade Lawson.

22 And the two of them review an interview form with
23 you?

24 A. Yes, they did.

25 Q. And you had not yet decided to tell the truth?

1 A. That's right.

2 Q. So you were lying to them initially, isn't that
3 right?

4 A. At the beginning, yes, I was.

5 Q. At the beginning.

6 Now, you had not shot and killed Richard Blazer?

7 A. No, I did not.

8 Q. And you hadn't taken anything from him?

9 A. No, I did not.

10 Q. And you say this plan was not your idea, was it?

11 A. No, it wasn't.

12 Q. So you were just kind of there when it happened?

13 A. Yes.

14 Q. And yet you didn't feel like you could tell the
15 truth to the detectives?

16 A. No.

17 Q. So instead you told them some lies?

18 A. At the beginning.

19 Q. What lies did you tell them?

20 A. The ones you told, the ones you talked about
21 earlier.

22 Q. Have I missed any lies? Are there some more that
23 you're waiting for me to bring?

24 A. Nope, there is not.

25 Q. We've covered all the lies you were telling at